

SCOPING AND INFORMATIONAL MEETING

CARLTON - MAY 5, 2016 - 6:00 P.M.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

AND DEPARTMENT OF COMMERCE

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Certificate of Need for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: CN-13-473

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Pipeline Routing Permit for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: PPL-13-474

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: CN-14-916

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Route Permit for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: PPL-15-137

Black Bear Casino Resort
1785 MN-210
Carlton, Minnesota

COURT REPORTER: Janet Shaddix Elling, RPR

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1 MR. CHARLIE PETERSEN: Welcome and good
2 evening.

3 My name is Charlie Petersen. I'm a state
4 employee, I work for a unit called Management
5 Analysis and Development. I have been contracted
6 with myself and a colleague by the Department of
7 Commerce to moderate these sessions as a neutral.

8 I want to go through the process for this
9 evening. We're in the welcome period now.

10 Ground rules for this evening's program,
11 basically to be respectful, courteous, and patient
12 so everyone can fully express their thoughts and
13 ideas and recommendations. What that means is
14 please don't interrupt and be quiet so others can
15 hear.

16 I've identified Janet earlier during the
17 session. My opinion is she's the most important
18 person in the room. She's the court reporter. She
19 is the one that is taking your comments, writing
20 them in and putting them into the official minutes
21 for this evening's meeting. If she can't hear, she
22 gives me a dirty look. So when she gives me a dirty
23 look I need to make certain that folks can hear with
24 that.

25 With that stated, in all honesty, this

1 morning we were having a little trouble with the
2 mics. I still think we have a little bit of
3 trouble. The height in here is making the sound
4 just go -- it's kind of muffled. We've got what
5 I'll call a low mic and a high mic. A little
6 stronger voice, this is for you. This is for your
7 low voice, for lack of a better way to describe it.
8 So figure out which voice you're at and choose which
9 mic works and I'll be checking with Janet to make
10 certain that she can hear through this.

11 So I'll just apologize up front.
12 Hopefully we've got it better. I don't know that
13 we've got it fixed. Hopefully we've got it better.

14 Don't obstruct a person's view is not an
15 issue. Turn off cell phones.

16 And then, lastly, for the comment period,
17 you'll be given five minutes to provide comment. We
18 will be able to go through this I think a couple
19 times through, I'll explain that a little more as we
20 get closer to the comment section.

21 One piece I want to just make a statement
22 on before we get into the presentation. In previous
23 meetings a number of people have come up and either
24 been opposed to or supportive of the pipeline, which
25 is fine. The value that we're looking for out of

1 these meetings is to look for the issues and
2 impacts, the concerns that you have with these
3 pipelines from your perspective, from the
4 community's perspective, for the area's perspective.
5 Those are the things that we're looking for, the
6 issues and impact. That's number one.

7 Secondly, we'll take any idea you've got
8 for how to transport, those issues. So that's
9 number two. Any ideas as far as mitigation, going
10 around and dealing with it, et cetera.

11 Number three is there are a number of
12 routes identified and there is selection criteria
13 that's in your packet for looking at those routes
14 and identifying which ones are better. Look through
15 that criteria, what's missing, which ones do you
16 like better, which ones do you like least. Look
17 through those and provide comments on those things.
18 So flowing back to the issues of impacts, ways to
19 mitigate or address those issues and impacts, and
20 then the route criteria.

21 I know people come up with presentations
22 already prepared, and that's fine, but just try to
23 get those thoughts in your head, to think about
24 those are the things that we're looking for that
25 would be valuable.

1 I want to introduce Jamie MacAlister.
2 She's the Environmental Review Manager for the
3 Department of Commerce. She'll go through her
4 presentation and I'll let her give the introduction
5 of herself.

6 MS. JAMIE MACALISTER: Thank you,
7 Charlie.

8 Can everyone hear all right?

9 I'm Jamie MacAlister with the Department
10 of Commerce, Energy Environmental Review and
11 Analysis unit. And I will be leading up the EIS,
12 the environmental impact statement for these
13 projects.

14 And before we get started, I'd just like
15 to make sure everyone received a yellow folder when
16 they came in and to make sure that you have what you
17 need from the folder. You should have a copy of
18 this presentation, which has all of my contact
19 information on the last page. You should have a
20 comment form, which you can fill out now and leave
21 with us or fill it out at your leisure and send it
22 in.

23 There's also some guidance on how to
24 submit an alternative. And that is simply meant to
25 serve as guidance and help us -- for you to know

1 what is helpful for us when you submit an
2 alternative. Nothing in that is set in stone. If
3 you have any questions or concerns about how you
4 might do that, please feel free to contact me.

5 There is also a copy of the alternative
6 evaluation criteria which, as Charlie said, we are
7 looking for effects on that. If there are other
8 criteria that you think may be included in that, we
9 would like to hear that.

10 There is also a preliminary table of
11 contents. Which, again, if you see something that's
12 missing from that list that needs to be added or if
13 you think there's more detail that you can help us
14 flesh out on any of those topics, we're happy to
15 hear that as well.

16 And then you should have a couple of maps
17 in there. One showing what had been previously
18 referred to as route alternatives and one previously
19 referred to as the system alternatives. We are not
20 distinguishing between those two, but we understand
21 there are a number of people that are more familiar
22 with the nomenclature as it stands now so we left it
23 that way.

24 I would also like to note that on the
25 evaluation criteria, what we are looking for -- and

1 the criteria is related to the purpose statement.
2 We know that there's some disagreement or confusion
3 as to how the purpose statement was written for the
4 Sandpiper project, and I'd just like to note that,
5 again, these are two different projects with two
6 different purposes, and it's important to keep them
7 separated, the Line 3 purpose statement versus the
8 Sandpiper statement. And as we said, the draft
9 scope. Again, we are taking more feedback on what
10 you think is a better way to potentially state those
11 purposes.

12 Also, as Charlie noted, the acoustics in
13 here are somewhat challenging, so when you come up,
14 please state and spell your name for Janet. And she
15 will let you know if she's having trouble hearing
16 you and we'll get that squared away because she's
17 capturing the comments.

18 So as you can imagine, there is a lot of
19 regulations that surround these projects. There is
20 the statute and rules for the certificate of need.
21 There is a statute and rules for the routing of the
22 pipeline. There is a statute and rules for
23 completing the environmental impact statement, or
24 the EIS.

25 And once we get through this

1 environmental impact statement process, there will
2 be contested case hearings for these projects that
3 will be administered by an administrative law judge.

4 The scoping meetings are very important
5 to us because it's a way that we get feedback from
6 you on issues and concerns that need additional
7 analysis in the EIS. It allows people the
8 opportunity to participate in the development of
9 alternatives, and it also helps inform the final
10 scope that we will be preparing and submitting to
11 the Public Utilities Commission and that will
12 ultimately be approved by them.

13 So this is the third round of scoping
14 meetings that we have held for these projects. When
15 we are done with this, there will be over 40 scoping
16 meetings. And some of the primary issues of concern
17 that we've heard as we've been out here are spills,
18 concerns about ground and surface water resources,
19 wild rice, tribal resources, pipeline
20 decommissioning, jobs and local economies and
21 climate change.

22 So we've also been working very closely
23 with state and federal agencies, with the tribes and
24 the public. And we're really interested to know
25 from your perspective what have we missed, what has

1 been overlooked, what else do we need to include in
2 the scope of the EIS.

3 I'd just like to run through briefly what
4 the EIS process will look like. Once we get through
5 the scoping meetings, we will be preparing a final
6 scoping decision that will be submitted to the
7 Public Utilities Commission and ultimately approved
8 by them.

9 Once that approval has been made, that
10 will trigger the EIS preparation notice and we will
11 begin drafting the EIS. Once the draft EIS is
12 released, we will hold another series of public
13 meetings on the draft and the EIS will be finalized.
14 And there will be a determination of the EIS
15 adequacy and that will all occur before the
16 contested case hearings. And contested case
17 hearings will occur before there's any decision on
18 the route and route permits and the certificate of
19 need.

20 So it's kind of confusing as to how all
21 of this information starts informing the EIS and who
22 is in charge of the EIS and the permitting
23 decisions. So the Department of Commerce serves as
24 the technical staff to the Public Utilities
25 Commission. And for this project we are working

1 with the Minnesota DNR and the Minnesota Pollution
2 Control Agency as our assisting technical agencies.
3 We're also coordinating with local, state and
4 federal governments, tribal governments, the public,
5 and other interested parties as we develop the EIS.

6 The EIS in turn informs the Minnesota
7 Public Utilities Commission, which is the
8 responsible government unit for these projects and
9 is responsible for making the permitting decisions.

10 Again, for the alternatives, there are
11 the previously recommended system alternatives that
12 are under consideration, as well as all of the route
13 alternatives that have been suggested throughout the
14 Sandpiper and Line 3 scoping meetings.

15 The anticipated schedule for the entire
16 process is still very fluid, but we would expect
17 there to be a final scoping decision potentially by
18 the end of this summer, a draft EIS early in 2017,
19 followed by draft EIS public meetings, a final EIS
20 and adequacy determination in the summer of 2017,
21 with contested case hearings and potentially the
22 route and permit decisions by the fall of 2017.

23 So tonight you are welcome to provide
24 your comments to us verbally. You're welcome to
25 submit your comment form tonight or send it in. You

1 can also email or fax your comments to me. And as
2 long as I receive them by Thursday, May 26th, these
3 will all go into the record.

4 And once the comment period closes, we
5 will be taking your comments, all of the written
6 comments that we receive will be bundled and posted
7 online and on eDockets alphabetically, in batches
8 alphabetically. As well as all of the verbal
9 testimony or comments that are being heard here
10 tonight will be available online as well and you
11 would look for your comments based on the location
12 which you attended and provided the comments. So
13 those transcripts will be available for you to see
14 that.

15 And, with that, I'm going to hand it over
16 to Charlie.

17 MR. CHARLIE PETERSEN: Thank you, Jamie.
18 We've got, I think, eight or nine cards here of
19 people scheduled to come up and make comment. We
20 will have a five-minute time frame, but I think with
21 only eight or nine folks, they can come up and
22 comment a second time once we've gone through the
23 list. That will work out.

24 As we get -- as you come up, I will ask
25 you to state your name and spell your name for Janet

1 so it's correct in the minutes. I'll also ask you
2 if you want a time warning. I'm going to have a
3 timer set here for five minutes, and if you would
4 like I can give you a two-minute warning, a
5 one-minute sort of warning, I'll be trying to catch
6 your attention by putting my hands up that way.

7 I'll identify the person who is going to
8 speak, like in baseball, they're up, and the next
9 person up is on deck so you know which person is
10 coming up next.

11 It seems like there is -- oh. If you
12 are -- some people have been reading from a typed
13 document. If we can get those, that would be great,
14 and I will ask you for that if I see you're reading
15 from something, because that's an easy way for Janet
16 to get that information and the correct spellings,
17 et cetera, your exact words into the record as best
18 as possible with that.

19 With that, the first person up is Harlan
20 Jensen, and then on deck is Korey Northrup, if I'm
21 saying those right.

22 So give me just a second to get things
23 set up here and get going.

24 I'd like to have you sit in the chair.
25 Hang on just a moment. Hang on just a second.

1 We're talking a little bit about the process here
2 and trying to get it straightened out. I'm going to
3 talk with him in private.

4 (Discussion.)

5 MR. CHARLIE PETERSEN: Okay. The next
6 person up is Korey Northrup. And after Korey is
7 David Beatty.

8 So if Korey would like to come up.

9 MS. KOREY NORTHRUP: I guess that's me.

10 MR. CHARLIE PETERSEN: If you're Korey.

11 MS. KOREY NORTHRUP: I'm Korey, yeah.

12 Is this on? I'm not sure this is really
13 necessary.

14 MR. CHARLIE PETERSEN: State your name
15 and spell it.

16 MS. KOREY NORTHRUP: Korey Northrup,
17 K-O-R-E-Y, N-O-R-T-H-R-U-P.

18 Am I supposed to tell you who I'm with
19 and whatnot, or does that matter?

20 MR. CHARLIE PETERSEN: No, you can go
21 ahead and start.

22 MS. KOREY NORTHRUP: Okay. So I'm asking
23 for a full EIS of the preferred route, considering
24 the 900 acres of forest that's going to be
25 destroyed. Some things that need to be included are

1 the maple sugar bush, medicines that are needed, the
2 wetlands, wild rice, mushrooms, berries, game
3 populations, and our sacred gift of sage, sweet
4 grass, tobacco.

5 I would also like to know how to -- how
6 do you propose to address the ceded territories in
7 regards to the treaty land. In regards to us being
8 able to exercise our treaty rights, and how that
9 would impact the ceded territories that we have.

10 I'd also like to know how the sediment is
11 affected by the tar sands in case of a spill,
12 knowing that tar sands sink. And getting involved
13 in the sediment, how long before it turns up and is
14 poisoning the water.

15 I'd also like to point out the fact that
16 the pipe doesn't really stay in the ground in
17 wetlands, as we've seen actually right here on the
18 Fond de Lac Reservation. Where we sugar bush, there
19 are two lines that are exposed right now and a third
20 one that will come out at any moment. So I'd like
21 to know how they will keep it in the ground if
22 they're going to go through the wetlands. Because
23 at one point in time it was in the ground and now
24 there's trees growing on top of it.

25 So, in closing, I really ask for a real

1 clear picture of what our resources are that we're
2 going to be using in regards to the proposed
3 pipeline and the abandonment. And I'd just like to
4 comment on the fact that the water is life for
5 everything that is there, and including us, our
6 trees, and our plants, and our animals. And those
7 are all things that we ingest, so I'd like to know,
8 like, how that's going to be impacted.

9 Thank you.

10 MR. CHARLIE PETERSEN: Thank you very
11 much. I appreciate it.

12 The next person up is David Beatty.
13 Followed by James -- is it Hietala? You are David.

14 You've got to state your name, spell it
15 for Janet, you have five minutes. Would you like a
16 two-minute warning, a one-minute warning?

17 MR. DAVID BEATTY: I won't need one.

18 MR. CHARLIE PETERSEN: Okay. I'll give
19 you a one-minute warning just in case.

20 MR. DAVID BEATTY: My name is David
21 Beatty, B-E-A-T-T-Y.

22 I have a concern. I receive all emails
23 from the state on both projects and I have not seen
24 anything in regards to the existing Line 3. What's
25 happening to it? As far as I know, it's staying in

1 the ground, and I think that's the wrong way to go.
2 What's going to happen 100 years from now if it
3 corrodes and collapses? I think it should be
4 removed.

5 That's all I have to say.

6 MR. CHARLIE PETERSEN: Okay. Thank you
7 very much for your time.

8 James, right. And the next person up is
9 Steve Schulstrom.

10 State your name and spell it.

11 MR. JAMES HIETALA: My name is James
12 Hietala, H-I-E-T-A-L-A.

13 I'm from Warba, Minnesota, where I
14 already have the wonderful privilege of having six
15 Enbridge pipelines across the property. And I said
16 that quite facetiously, I'm not really happy about
17 it. And I'm on one of the alternative routes also.

18 When those first pipelines were put on
19 the property, my father owned it. They blocked off
20 the exit creek to Shallow Lake. The creek ran from
21 Shallow Creek to Swan River and they blocked it.
22 They did a lot better in evaluating wetlands and
23 creeks, but when they put in their most recent two
24 lines, they dug up the 100-year-old cedars on my
25 property, and they destroyed a tiny creek, which is

1 a seasonal creek, but it had small springs that fed
2 it year round. That is no longer there. That
3 really wasn't evaluated. And that meant a lot more
4 to me than the money they gave me. It is really
5 disappointing, even now, how they value some of
6 these things.

7 I worked 32 years for electric utilities,
8 a wastewater utility. We removed things when we
9 were done. And this gentleman said just before me
10 that it should be up to the landowners if they want
11 it removed or not.

12 That land has basically been removed from
13 normal production. There's no way it's ever going
14 to get back unless they remove the line. There's
15 also issues of potential leakage. And in my case,
16 if that line goes towards the Swan River from the
17 swamp, you could have swamps draining right through
18 that line instead of the natural routes. It just
19 can be an environmental disaster. Localized, but
20 it's a disaster for the people who live there. That
21 really needs to be considered.

22 If there is any seepage that's gone on,
23 I'm in a rural area, who knows what's already in the
24 ground unless you build a pipe on it and take a look
25 at it. So I think that's important as well.

1 And, finally, just in general, I think
2 you need to evaluate conservation and eliminating
3 the need for this, especially with what we know
4 about the cost of carbon.

5 Both environmentally and economically,
6 things are going to change and we need to look at
7 that when evaluating these routes. Are they really
8 necessary? Because you really take the property
9 that you're going to cross, totally changing what it
10 could be used for.

11 They could tell you, you can put gardens
12 on there, different things, it doesn't always work
13 out. What they've done to my property, they took
14 the topsoil that was used for fill and put on top
15 sand mixed with clay now. That's not really a good
16 garden. In the past it was woodlands. That's not
17 coming back. That has real impacts.

18 I don't think we evaluate that. I know
19 in my case they did not evaluate the property, and
20 once this thing starts going, there is no stopping
21 it.

22 That's all I have to say. Thank you.

23 MR. CHARLIE PETERSEN: Thank you very
24 much for your time.

25 The next person up is Steve Schulstrom.

1 And then Thane Maxwell.

2 MR. STEVE SCHULSTROM: Schulstrom. My
3 name is Steve Schulstrom, S-C-H-U-L-S-T-R-O-M. I'm
4 from Carlton County Land Stewards.

5 There are many parameters that need to be
6 looked at when choosing a route for a pipeline. One
7 of them would be environmental concerns. We can use
8 modern GIS technology to help this process.

9 I brought this one example of how a
10 single parameter analysis, in this case forest
11 fragmentation, will appear in map form. There are
12 many other parameters one could look at for the ones
13 closest to me, and the farthest away would be the
14 entire U.S.

15 Carlton County Land Stewards is not
16 endorsing any of these system alternatives as being
17 better than any other. This is an illustrative
18 example of what could be done if one wishes to do
19 so.

20 Now, the next map over represents the
21 entire pipeline from start to finish. That simple
22 statement is actually one of the more contentious
23 points of this whole process. Enbridge said that
24 the oil needs to go to Superior before it goes
25 elsewhere. I accept that this is desired by

1 Enbridge in the same way it is desired by American
2 Airlines, that folks traveling to the East Coast
3 need to go to Dallas first. The big difference is
4 that American Airlines is not asking for the power
5 of eminent domain in their business model.

6 I know those maps are hard to see, you
7 can come up later and I can explain them in more
8 detail. The important point right now is there are
9 differences in the routes and they can actually be
10 modified using GIS.

11 However, there are factors other than
12 environmental. One of them would be economics.
13 Anything in life involves a balancing act. For
14 example, if a pipeline were to have shutoff valves
15 at every water crossing, it may make it safer, but
16 it would also make the entire pipeline prohibitively
17 expensive.

18 These system alternatives only make sense
19 if they're economically viable. There needs to be a
20 consideration of the economics of the possible
21 various routes. Carlton County Land Stewards'
22 examination by an independent pipeline economist
23 hired by the RGU, in this case, the DOC, that looks
24 at the economic parameters for each system
25 alternative. There also should be an economic

1 examination of how the approval of the Dakota Access
2 Pipeline may have changed the business need for
3 Sandpiper and Line 3.

4 Can you still hear me?

5 All right. During the Sandpiper direct
6 testimony, an Enbridge economist put the figure at
7 under 25 cents per barrel of crude oil shipped
8 between the SA-Applicant and SA-03. SA-03 goes like
9 this and then back up. This is really a more direct
10 line, but the difference here is under a quarter
11 barrel of oil. So if you you're looking at the
12 economics, that isn't really going to be intuitively
13 obvious to anybody but an economics person. So
14 that's why we feel that that needs to be looked at.

15 I'm only bringing this up as an
16 illustrative example. This type of information is
17 available and could provide important insight as to
18 the suitability of the system alternatives.

19 Thank you.

20 MR. CHARLIE PETERSEN: Thank you.

21 The next person up is Thane Maxwell. And
22 than Tania Aubid.

23 COURT REPORTER: And I would ask you to
24 please not speak as quickly as you did earlier
25 today. If you want -- I want to make sure I get

1 down what you have to say because I know it's
2 important to you.

3 MR. THANE MAXWELL: Yes. Thank you.

4 COURT REPORTER: So if you would slow
5 down, I would really appreciate it.

6 MR. THANE MAXWELL: Yeah. I was going
7 fast because I felt rushed by the process.

8 COURT REPORTER: Well, that's the way it
9 is for everybody. I'm sorry.

10 MR. THANE MAXWELL: I mean, you're
11 recording it too, right? Not just relying on --

12 MS. JAMIE MACALISTER: No.

13 MR. THANE MAXWELL: Thane Maxwell,
14 T-H-A-N-E, M-A-X-W-E-L-L.

15 Why I was over-hurried here this morning,
16 is we had five people trying to speak this morning,
17 we had an hour and 40 minutes of public comment time
18 to do it in. And we still kept it at five minutes
19 and everybody had to rush their comments. And I was
20 speaking -- I'm speaking too fast now because I feel
21 rushed by the five minutes. And then we finished an
22 hour early and she came up to me and said, I didn't
23 get it, I didn't get everything you said.

24 So it's like --

25 COURT REPORTER: I never said that. I

1 never said that. I said you spoke quickly.

2 MR. THANE MAXWELL: You said I want your
3 business card because I'm not sure I got it.

4 MR. CHARLIE PETERSEN: Hold on, guys.

5 MR. THANE MAXWELL: You asked me for my
6 business card because you wanted to ask me what I
7 said.

8 MR. CHARLIE PETERSEN: Hold on, guys.
9 We're not going to get into comments like that.
10 We're here to hear public comments, she's here to
11 hear the comments. We're doing the best we can to
12 get your comments in.

13 You've got the five minutes, you'll have
14 a second opportunity to provide another five minutes
15 if you would like. You can, in all honestly, speak
16 as slow or as fast as you would like, the question
17 is she needs to get it down on the record. So
18 that's all that I want to try and get accomplished
19 here.

20 MR. THANE MAXWELL: Got it.

21 MR. CHARLIE PETERSON: Are you
22 comfortable with that?

23 COURT REPORTER: Yes. But it is my
24 responsibility to take down everything you say. And
25 I was asking for your card so I could get spellings

1 if I needed them, not that I didn't get what you had
2 to say.

3 MR. THANE MAXWELL: That is not what you
4 said.

5 COURT REPORTER: That's what I said.

6 MR. THANE MAXWELL: That's a lie.

7 COURT REPORTER: I am not lying.

8 MR. CHARLIE PETERSEN: Let's get on to
9 the public comment piece.

10 MR. THANE MAXWELL: So the other thing I
11 want to point out is that, you know, several times
12 as you introduced this, you said that you were
13 working with the tribes to define the EIS scope.
14 That is absolutely not true.

15 You do not have a formal relationship
16 with tribal governments and you have refused all of
17 our requests for formal tribal consultation. You
18 know, all of the affected Bands on this line have
19 submitted letters asking for that consultation and
20 they have not gotten it. And that is why there is a
21 mass public effort to remove the DOC from this
22 process.

23 Okay. So it's inaccurate to say in front
24 of people and tell people that you've been working
25 with tribal governments to define the scope of the

1 EIS. It's inaccurate.

2 The project purpose. The definition of
3 project purpose. As you said, you know, you have a
4 draft public purpose definition that states that the
5 purpose of the pipeline is to get oil to Superior.
6 We disagree with that. As someone else mentioned,
7 we disagree with that definition of purpose, because
8 it does not warrant eminent domain and condemnation
9 of people's private land. Right?

10 That is what Enbridge wants you to do.
11 That is not the purpose of a pipeline. The purpose
12 of a pipeline is to get oil from extraction to
13 refinement, to get oil to market. The purpose is
14 not to get it to their hub. Okay? If you're going
15 to take people's land it should have a public
16 purpose.

17 Now, you pointed out this morning that
18 there are two different lines, that one of them is
19 existing and is being replaced, and the other is
20 brand new so they have different purposes, right?
21 So I understand that. But we contest that the very
22 definition of replacement, this idea of replacement,
23 we don't buy it. This is not the same line being
24 replaced in the same corridor, it is trying to put
25 in a new line that is even bigger. They're

1 increasing the capacity of the line. It is an
2 entirely different line and a new corridor. And so
3 I do not accept the definition of project purpose as
4 taking oil to Superior even for that existing line
5 that is being replaced.

6 So I think the entire scoping process is
7 affected by that fundamental decision of how you
8 define the purpose of the project. And the people
9 in Minnesota that are going to have their land
10 taken, you know, they deserve to have their land
11 taken because it makes sense for the public and not
12 because it makes sense for Enbridge's profit.

13 The abandonment issues that these
14 landowners are raising are super important. I
15 cannot stress enough how much -- how unprepared
16 Minnesota is for this step that is about to happen
17 in the middle of a construction process, right?
18 There should be an entirely separate process for the
19 state to come up with a plan to deal with
20 abandonment. Because what's going to happen if you
21 push this through and we have some paragraph in the
22 scoping about abandonment, how Enbridge is going to
23 do a really good job at it, is we're going to set
24 precedent because Minnesota has never done this
25 before, right?

1 They've never dealt with abandonment
2 before and we don't have any regulations. The
3 federal government doesn't have any regulations. We
4 are entirely unprepared for that and we don't know
5 the consequences. And if we push it through we'll
6 set precedent and they will abandon the other
7 ancient lines in that corridor that are full of
8 holes and crumbling.

9 So we've got a major public policy crisis
10 on our hands. And we need a plan that is bigger
11 than the scope of this particular project. It
12 really has nothing to do with the EIS or the
13 construction of the new one, right?

14 So I don't know how you deal with that in
15 the scope of this document, but Minnesota really
16 needs to think seriously about the crisis on their
17 hands with these, with the crumbling infrastructure
18 that is already in place. And as Korey said, it's
19 literally sitting above the ground on this
20 reservation miles from here.

21 Above ground. It's a 48-inch pipe, it's
22 got a game trail sitting on the top of it, it's got
23 willows growing all around it, and the protective
24 white coating that they put on in the 1950s when
25 they installed these lines is crumbling off.

1 Now, several different studies, National
2 Energy Board from Canada and PHMSA studies have
3 documented how the debonding of that coating
4 literally causes the corrosion that causes ruptures.
5 That is what caused the Kalamazoo spill in 2010,
6 which was the largest inland oil spill in the
7 country's history and it is still not cleaned up.
8 They've spent \$1.2 billion on it and they're now
9 being fined \$55 million for their negligence.

10 The debonding of that coating is what
11 caused that rupture. There are six lines sitting on
12 this reservation, two of them are exposed, they're
13 ticking time bombs. We have a catastrophe just
14 waiting to happen right here on the reservation.

15 So that is not something that can be
16 dealt with inside this scoping process for new
17 lines, right? Minnesota needs to wake up and see
18 that they have catastrophes waiting to happen.

19 And, frankly, I think it's an enormous
20 economic opportunity, an economic development
21 opportunity. And I would like to see included in
22 the scope an economic analysis of those different --
23 of those opportunities. What would it look like?
24 How many jobs would you create? How many union jobs
25 would you create dismantling and cleaning up,

1 dismantling those old lines and cleaning up the old
2 mess. And how many more of those jobs would be
3 locally sourced compared to the less than half that
4 would be locally sourced with the new construction,
5 right?

6 MR. CHARLIE PETERSEN: You've completed
7 your time.

8 MR. THANE MAXWELL: Thank you very much.

9 MR. CHARLIE PETERSEN: You're welcome.
10 Next up is Tonia. And then DyAnn
11 Andybur. Am I stating that correctly?

12 MS. TANIA AUBID: Hello. My name is
13 Tania, T-A-N-I-A, last name Aubid, A-U-B-I-D. But
14 I'm also known as Biitwe Wegiichagookwe, that's
15 B-I-I-T-W-E, W-E-G-I-I-C-H-A-G-O-O-K-W-E.

16 First of all, I want to say this wild
17 rice here was gathered over in Perch Lake. In this
18 glass here you will see that there is two different
19 colors of the wild rice that was picked, hand picked
20 from this lake over here.

21 Now, over the past few years we have been
22 able to gather, harvest our rice, and hope to heck
23 that it's going to be safe to eat. To be able to
24 have some viable nutrients for us as Anishinabe
25 people to be able to eat. And if you can notice,

1 one is shaded a light -- a lot lighter than what is
2 on the top. And from what I know, from what has
3 been related to me, that the slow stuff that's
4 coming out of the pipelines has been able -- has
5 been degenerating our wild rice.

6 The other part of this, I would like to
7 ask is why were Band members forced to give up their
8 place of residence here? From what the company has
9 told my relatives that were moved from this place,
10 is that they would get cancers from being -- living
11 so close to these pipelines over here. So if
12 somebody can answer that for me, that would be
13 really great.

14 My other question for this is is this
15 scoping running on Enbridge's time or for
16 constituents to be more well informed of their
17 safety?

18 And I was over at the sugar camp and I
19 did see the trees growing above the pipelines that
20 are above the ground like that. And I asked the
21 people, you know, that came up there, that were
22 doing the water quality testing, about what was
23 going on with that. What are they going to be doing
24 with those trees that are growing on top of those
25 lines where the roots are going to be able to grow

1 through the pipelines? And they told me they would
2 chop those trees down. Now, to me, that affects the
3 air quality of what we have here. You know, that's
4 ludicrous in my mind from the way I was brought up.

5 The other thing is those wild parsnips
6 that are growing along those lines. You are going
7 to be getting what you call phytophotodermatitis,
8 which gives you third-degree light burns, the
9 stimulation of that. And not even animals can be
10 able to go over there and brush against it without
11 having that on them.

12 I will save this document for after.

13 So also I would like to see more
14 emergency cleanup services being offered to the
15 reservation here. When this line does break over
16 here, you know, we need more people to be able to
17 have that knowledge and that capability to be able
18 to come in and help clean up. Not only just for the
19 non-Natives, but also for the Native people. I
20 tried to go down to Cloquet when they had the
21 pipeline people over there, having people go in to
22 work over there, and I was referred back to the Toro
23 office to be able to try to get a job there. They
24 had no idea what I was talking about, to be able to
25 go to work for the pipeline company. So what does

1 that tell me? Native people are always excluded
2 from what those jobs bring in.

3 With that, I will pass. Thank you.

4 MR. CHARLIE PETERSEN: Thank you very
5 much.

6 Next up is DyAnn Andybur. And then Sandy
7 Sale [sic].

8 MS. DYANN ANDYBUR: My name is DyAnn
9 Andybur, D-Y-A-N-N, Andybur, A-N-D-Y-B-U-R. I'm
10 from Duluth. And I'll speak a little louder.

11 MR. CHARLIE PETERSEN: Thanks.

12 MS. DYANN ANDYBUR: So I have some
13 comments that I would like to read.

14 Northern Minnesota is home to sensitive
15 wetlands, headwaters, and drinking water sources.
16 In addition to wildlife habitat and wild
17 rice-producing lakes that Indigenous people harvest.

18 Enbridge's history of transporting tar
19 sands in similar sensitive areas is a matter of
20 record. Enbridge was responsible for the worst
21 on-shore spill in U.S. history in 2010, the
22 Kalamazoo River disaster, which poured almost a
23 million gallons of tar sands into Talmadge Creek and
24 the Kalamazoo River.

25 The National Academy of Sciences recently

1 released a study that underlines the inherent danger
2 surrounding the transportation of crude oil, and
3 that transporting it by any means is unacceptable
4 and is a disaster waiting to happen.

5 Having said that, I understand that the
6 Department of Commerce is planning to examine seven
7 possible oil spill scenarios for Line 3 and
8 Sandpiper. Now, I'm going to ask you to take the
9 perspective that the pipelines will leak and to
10 include far more scenarios of what the potential
11 risks are in this EIS. So please include moderate
12 and severe spills for each of the type of commodity,
13 crude oil and tar sands oil, with multiple
14 scenarios, and that's multiples of seven in various
15 wetlands, drainage ditches, and rivers. And for
16 each scenario, identify and quantify the impact on
17 the wetlands, on fisheries, and nearby bodies of
18 water. Also include impacts on cultural resources,
19 the local landowners, local communities, and
20 terrestrial species.

21 And in addition to that, identify who
22 will be responsible for that cleanup, what is the
23 quantity that you are putting in the scenario, what
24 remedies will take place, what will it cost, and
25 especially what will it cost the taxpayers.

1 Also, please include what damage will be
2 long term. That is, what is unresolvable, because
3 there will be impacts that cannot be simply cleaned
4 up.

5 Thank you.

6 MR. CHARLIE PETERSEN: Thank you.

7 DyAnn, did you have something in writing?

8 MS. DYANN ANDYBUR: I'll write it out.

9 MR. CHARLIE PETERSEN: Thank you.

10 Come on up. State your name and spell
11 it. I'll give you a two-minute warning and a
12 one-minute warning.

13 MS. SANDY STERLE: Okay. Can you hear
14 me? My name is Sandy Sterle, S-T-E-R-L-E. Sandy,
15 you know.

16 I have been to many meetings, PUC
17 Commission meetings, three contested case hearings,
18 written many documents.

19 What I would like to say is what I
20 noticed the result of that was, especially the
21 Judge, is the parties and the documentation was
22 ignored. And so what I ask is that we do this
23 different.

24 You need to listen to us. There are
25 experts that have worked for the DNR, that have

1 worked for the Federal agencies in the community
2 that are giving you feedback. You need to listen to
3 them.

4 The other thing I focus on is the Native
5 American community has been ignored. They have been
6 left out of this process up to this point. Promises
7 don't matter, it's the actions that matter.

8 As far as I'm concerned, the current
9 pipelines that are on the main line greatly affect
10 tribal lands now, and that not only the impact
11 culturally and financially on their community, they
12 need to have a representative consult in the
13 preparation of this EIS. It's time to honor the
14 knowledge and the culture of the tribes. That's
15 another way this needs to be done differently.

16 This EIS also needs to be done
17 transparently. The process of the EIS hasn't been
18 done for pipelines in the past. This is a very
19 important document. It was fought for by the public
20 through the courts and we expect, and I say that in
21 the most general way I can, that it is prepared in
22 the public trust.

23 And what does that mean? It means you
24 weigh transparently the impact of the different
25 routes on the health and well-being of our

1 environment that we so greatly depend and not so
2 much on the financial needs and desires of the
3 corporate interests.

4 There are many ways to do that
5 nontransparently that I have seen. Like the last
6 so-called overall report that was written by the
7 DOC, just simply counted shallow lakes equal to a
8 ditch. That's a way of hiding the impact of what
9 the importance of that shallow lake is for all the
10 people that live around it and/or possibly need it
11 for its resources.

12 Please, let's do this right this time. I
13 know it sounds like I'm coming down with a heavy
14 heart because I do have a heavy heart. We have been
15 fighting this for a long time and we finally have
16 this opportunity and I ask that you don't squander
17 it. Don't make promises. You don't listen to the
18 experts and the public who are experts and part of
19 that expertise comes from experience.

20 And the last thing I would like to say is
21 I think the EIS needs to look at a wider scope than
22 where the pipeline simply wants to go. Where they
23 want to go has never been studied about its impact
24 on Minnesota. But, unfortunately, that's where it
25 is. But if we allow them to continue to just

1 dictate where they want to go, we are going to
2 continue to have impacts on the natural resources
3 that we enjoy. Especially when we look at what
4 Thane was talking about, the abandonment of
5 pipelines. That's a whole 'nother subject that I
6 don't have time to talk about, obviously. But I
7 will write about it. And so what I'm trying to tell
8 you --

9 MR. CHARLIE PETERSEN: Finish your
10 thought.

11 MS. SANDY STERLE: Okay. What I'm trying
12 to tell you is this EIS needs to take a serious look
13 at all our concerns to be included in the options.

14 Thank you.

15 MR. CHARLIE PETERSEN: Thank you very
16 much for your time.

17 Thank you to the folks that have provided
18 public comment. We've gone through the collection
19 of green cards. Are there folks that would like to
20 make an additional -- additional folks that would
21 like to make a comment? We'll go with you first and
22 then we'll get back to you, we'll see if there's
23 other folks that have not spoken yet first.

24 Anyone else who would like to make a
25 comment?

1 Okay. Then you're going to go first.

2 MR. THANE MAXWELL: Is this one on?

3 Hi. Thane Maxwell again, T-H-A-N-E,
4 M-A-X-W-E-L-L. I just have a few more things to
5 add.

6 One is really exciting. It's about
7 sunscreen. So if you're falling asleep, this will
8 be interesting.

9 So, you know, the Keystone XL project
10 that Obama eventually vetoed, those pipes sat stored
11 on the land there for about six or seven years, I
12 think. And they realized in the process that the
13 coating that they put on these pipes, which is API
14 specification, it's called some kind of epoxy,
15 something FBE, some kind of epoxy. It's the coating
16 that they put on these pipes that breaks down in the
17 sun, that the UV rays actually degrade the coating,
18 which is what protects the pipe from corrosion in
19 the ground. And they realized this.

20 The Sandpiper pipes and the Line 3 pipes
21 are right now sitting on the land and they have been
22 for about, I don't know, a year and a half, two
23 years, something like that. And Enbridge is out
24 there now -- longer? Maybe three years? And
25 Enbridge is out there right now, actually they

1 started last summer, painting a sunscreen on these
2 pipes to protect them from the UV radiation because,
3 you know, they're worried it's degrading. It has
4 been shown, there was actually a report. It was
5 done on the Alliance pipeline where they studied
6 different lengths of time with UV radiation exposure
7 and it showed that it degrades the coating. I think
8 that should be in the EIS. Especially if this
9 process drags on for a few more years, which it
10 will, and those pipes have been sitting there for
11 five years, I don't think we really know, we meaning
12 the public, I don't think there is like a clear
13 answer on how that degradation works or how
14 significant it is. So that research needs to be
15 done before we lay that pipe in the ground.

16 Another one is about methane. So you
17 have a section in your draft table of contents about
18 climate change. You know, as many of you know, the
19 carbon impact of the tar sands is like through the
20 roof, you know, it's the dirtiest on the planet.
21 What we often don't talk about when we talk about
22 climate change is that the methane flaring in the
23 Bakken where they're fracking is actually like 88
24 times more potent in greenhouse gas than carbon
25 dioxide is. So that flaring is exacerbating climate

1 change magnitudes, like many magnitudes greater than
2 just a regular burning of carbon. So that needs to
3 be included.

4 Another point is I think there should be
5 a very large section on spill response. And what
6 Enbridge's spill response record is and what
7 criteria they have in place and what they have
8 agreed to do. You know, there was a major push in
9 the last couple years in the legislature to
10 establish spill response regulation and it was
11 lobbied very hard against those. They were
12 unwilling -- I'm reading from a direct quote here,
13 they were unwilling to agree to provide a qualified
14 employee to advise the public sector commander
15 within one hour of a discharge, they were unwilling
16 to agree to provide equipment within three hours of
17 a discharge, they were unwilling to provide
18 qualified personnel within three hours of a major
19 spill, they were unwilling to guarantee that they
20 could provide containment from land across ditches
21 and other places where oil would drain into the
22 water, et cetera, et cetera. So I think there
23 should be a section on that and also on their track
24 record.

25 There was -- just the other day there was

1 a report, an investigative journalist report
2 basically done by the National Observer and they
3 looked at the National Energy Board, which is the
4 regulatory agency in Canada. They looked at an
5 audit of Enbridge's spill in Marshall, Michigan, and
6 they showed that not only had Enbridge basically
7 been entirely incompetent in dealing with the spill,
8 but that then Enbridge lobbied with them and
9 convinced them to take out the most incriminating
10 parts of the audit and remove it from the final
11 documents. So they looked at a draft and convinced
12 them to take out the parts that showed their
13 incompetence.

14 They also convinced them to keep secret
15 two major environmental incidence reports, and the
16 National Energy Board just sort of like left them in
17 the office and, oh, we didn't get a copy of it.
18 But, you know, there's like major, major foul play
19 over and over and over again and that needs to be in
20 the study.

21 My fourth is a comment I made this
22 morning. That we disagree fundamentally with the
23 scope of the environmental impact statement that
24 puts its blinders on at the North Dakota and
25 Wisconsin borders and only looks at the state of

1 Minnesota. When you permit and support
2 infrastructure like this you are supporting the
3 extraction that puts the product into it, you are
4 supporting the refinement that deals with the
5 product at the other end, and so a responsible EIS
6 would look at the impact far beyond our state
7 boundaries, at that point of extraction, at the
8 point of refinery, and all along that corridor.
9 What that requires is it requires coordination with
10 other states, with tribes and the federal
11 governments.

12 Thank you very much.

13 MR. CHARLIE PETERSEN: Thank you.

14 Korey, you're up next.

15 Anyone else?

16 Okay.

17 MS. KOREY NORTHRUP: Korey Northrup
18 again. K-O-R-E-Y, N-O-R-T-H-R-U-P.

19 First of all, thank you to everybody that
20 has spoke so far. Like everything that I've been
21 hearing is so fantastic and wonderful, and the
22 outpouring of other people recognizing that tribes
23 need to be a part of this. It really warms my heart
24 a lot. So I really just want to make a comment and
25 say thank you to everybody that spoke today.

1 MR. CHARLIE PETERSEN: Thank you.

2 All right. Tania.

3 Anyone else?

4 Okay.

5 MS. TANIA AUBID: Hello again. Hello.

6 Tania Aubid, T-A-N-I-A, Aubid, A-U-B-I-D. Also

7 Biitwe Wegiichagookwe. B-I-I-T-W-E,

8 W-E-G-I-I-C-H-A-G-O-O-K-W-E.

9 What I'm going to be doing is taking
10 excerpts from the Indigenous Environmental Record
11 from the Indigenous People Seattle Declaration.

12 The disproportionate impact of these
13 agreements on our communities, whether through
14 environmental degradation or the militarization and
15 violence that often accompanies development
16 projects, is serious and therefore should be
17 addressed immediately.

18 And for what I have shown before with the
19 wild rice and that, that is something of degradation
20 to our people.

21 The appropriation of our lands and
22 resources and the aggressive promotion of consumers
23 and individualist Western culture continues to
24 destroy our traditional lifestyles and cultures.
25 The result is not only environmental degradation but

1 also ill health, alienation, and high levels of
2 stress manifested in high rates of alcoholism and
3 suicides.

4 Hence, therefore, when I tried to apply
5 to be a pipeline worker, you know, that helped --
6 started me tipping the bottle and having lots of --
7 okay, what am I going to do for my family since I
8 cannot be able to do a job.

9 The right of Indigenous Peoples to their
10 traditional lifestyles, cultural norms and values
11 should likewise be recognized and protected. And
12 with Enbridge claiming that the -- hey, this is
13 going to be a good life for us, you know, shame on
14 you for using your families and promoting something
15 that you know is going to be harmful to our
16 ecosystem and our traditional way of life,
17 lifestyles here.

18 Also, our sustainable lifestyles and
19 cultures, traditional knowledge, cosmologies,
20 spirituality, values of collectivity, reciprocity,
21 respect and reverence for Mother Earth, are crucial
22 in the search for a transformed society where
23 justice, equity, and sustainability will prevail.
24 And from what I have seen and from what I have
25 experienced over the past three, four years, is that

1 there is no justice. There is no equity or
2 sustainability. In my mind, it has not prevailed in
3 tribal lands -- on tribal lands.

4 The other thing, too, that I would like
5 to be a part of the EIS, or you have Enbridge pay a
6 full coverage insurance policy instead of having a
7 limited liability insurance company paying for all
8 the damages that have been done on all tribal lands
9 in treaty territories. Keep in mind, treaty
10 territories have superseded even what the states
11 have come into as of late.

12 I would like to see more accountability
13 not only from you, but also from our tribal leaders
14 to be able to come to the table like we have done
15 over at the sugar bush camp where your people had
16 come to sit with Native people and to see what was
17 going on, what we did as far as collecting our maple
18 sap out there. And to be able to be a part of that.
19 And if history serves me right, when you came over
20 to this land, people, you our guest on this land,
21 but yet you tend to forget that by being a guest on
22 somebody else's land, you do not overtake what they
23 have, or destroy what they have, pollute the waters,
24 or pollute the air.

25 My suggestion is to be able to take the

1 Bakken oil crude, or whatnot, from that area over
2 there, take it down SA-06 and then up around this
3 way instead of having it cut through the freshest
4 water, you know, in the world.

5 Thank you.

6 MR. CHARLIE PETERSEN: Thank you.

7 And, David, you're up.

8 Anyone else?

9 MR. DAVID BEATTY: My name is David
10 Beatty, B-E-A-T-T-Y.

11 I have been following Enbridge since they
12 started because we ended up selling our home to them
13 already. So I still continue to watch everything
14 going on.

15 The comment Mr. Maxwell made about the
16 pipes, the pipe sat in Canada before they came here,
17 that's why it's three years. There's also a problem
18 with that pipe because it's sitting uncapped,
19 exposed to the elements inside the pipe. It's
20 already starting to corrode. So they need to
21 address that, I believe, right now before they ever
22 go ahead and lay that. So the pipe is a big
23 concern.

24 We have -- my wife and I have moved
25 already, but we're still trying to follow what's

1 going on. So I don't -- I don't agree with
2 everything Enbridge says. When I was called by an
3 Enbridge employee in our process of selling our
4 home, that they found places on Line 3 that looked
5 like tarpaper.

6 So that's all I have to say.

7 MR. CHARLIE PETERSEN: Thank you.

8 Are there -- is there anyone that would
9 like to make comment? Any additional comments?

10 Going once? Going twice?

11 Come up, sir.

12 MR. DAN SNIDARICH: My name is Dan
13 Snidarich, S-N-I-D-A-R-I-C-H.

14 I just want to throw in a couple comments
15 here before I leave. It's about, you know, a lot of
16 pertinent information that has been put out there.

17 I'm a union rep for Local 49,
18 International Union of Operating Engineers. I hear
19 a lot of the concerns in the audience, some of them
20 I have myself.

21 I just wanted to put out there that I
22 represent 13,000 members of our union that are
23 skilled at what we do. And we're safe at what we
24 do. And to be honest with you, the impacts of this
25 pipeline for us are huge as far as employment for

1 our members. And we're with you, we want to do
2 things safe, do them right. I just want to go on
3 record stating that our individuals that I represent
4 are some of the best in the industry.

5 So, yeah, I guess that's why I'm here. I
6 just wanted to put it out there. Obviously, you
7 probably heard it before, but I'm proud of who I am
8 and who I represent and the people that are going to
9 possibly do this work in the future. So we're going
10 to try to do it right, if we get a chance, do it
11 safe, and the best way possible.

12 So thank you.

13 MR. CHARLIE PETERSEN: Thank you. Any
14 additional comments?

15 Yes.

16 MR. JOEL REED: My name is Joel Reed,
17 J-O-E-L, R-E-E-D.

18 MR. CHARLIE PETERSEN: You need to hold
19 that up a little closer.

20 MR. JOEL REED: A little closer?

21 I just want to make a couple comments.

22 This proposed line is going to go over
23 numerous rivers and streams. One of them is our
24 Little Black River, which is just south of here,
25 close to Black River, which after that flows into

1 Lake Superior.

2 Last weekend I had a chance to talk to
3 one of our neighbors. He showed me a picture of a
4 steelhead that a fisherman caught upstream not far
5 from where these pipelines are going to be crossing.
6 Now, the steelhead is native to Lake Superior.
7 Going up so far, it's incredible that that happened
8 before, that they do go that far up, but it's
9 something that we need to protect, those beginnings
10 of those rivers.

11 So that's the only comment I wanted to
12 make. Thank you.

13 MR. CHARLIE PETERSEN: Thank you.

14 Are there any additional comments? Going
15 once? Going twice?

16 At this point in time we will close down
17 the comment time. Thank you very much for your
18 comments.

19 Thank you very much. Jamie has got a
20 comment.

21 MS. JAMIE MACALISTER: I just wanted to
22 let you know that if you have other comments that
23 you would like to make on the record to Janet, she
24 will be able to do that and we will be here until
25 9:00 to answer your questions.

1 MR. CHARLIE PETERSEN: Thank you very
2 much for that.

3 (Meeting concluded.)
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